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REMARKS

Restriction

The claims directed to the non-elected class of invention have been canceled by this amendment. New claims are added which are believed to conform to the elected class.

Objection to Drawings

The Office Action objected to the drawings for failing to show a second outlet for waste and ultrafiltrate and second inlet for blood as recited in claims 15 and 16. Claims 15 and 16 have been canceled by this amendment and no claims remaining in the amended application recite the features to which the Office Action objected. Therefore, Applicants propose the objection is overcome.

Objection to Specification

The Office Action objected to the specification for failing to provide support for a second outlet for waste and ultrafiltrate and second inlet for blood as recited in claims 15 and 16. Claims 15 and 16 have been canceled by this amendment and no claims remaining in the amended application recite the features to which the Office Action objected. Therefore, Applicants propose the objection is overcome.

Rejections under 35 USC §112, par. 2

Claims 1-8, 11, 15-16, 43, and 46 are rejected under 35 USC §112, par. 2 as being indefinite for failing to define the structural relationship between the media and the inlets and

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outlets for blood and other components. Applicants have amended claim 1 to overcome this rejection. In particular, claim 1 now indicates the structural relationship between the filter media, the inlet for blood, the outlet for waste and ultrafiltrate, the outlet port for blood, the infusion port. Claim 1 does not contain a second outlet for waste and ultrafiltrate as does claim 15, which has been canceled. Applicants have also amended claim 2 to make it clearer. Applicants have reviewed the other claims depending from claim 1 with the understanding that the amendments to claims 1 and 2 are sufficient to overcome the basis of rejection of claims 1-8 and 11 under section 112, par. 2. The other claims rejected under section 112, par. 2, namely claims 15-16, 43, and 46, are canceled by this amendment. Therefore, the Applicants propose the rejection under section 112, par. 2 is overcome.

Claim 2 stands rejected under 35 USC §102(b) as anticipated by US Patent No. 5,236,586 (Antoni). Claim 1 has been amended to overcome this rejection. Specifically, claim 1 recites: "both the outlet port for blood and the infusion port being connected to the housing such that they open directly to said blood portion of said interior volume of said housing, whereby blood may be diluted by fluid infused in said infusion port." In Antoni each member of the port pairs 5/12 or 6/11 is in communication with a portion of the housing interior (which are separated by the filter media as specified in the claim) that is opposite the other. So no matter which port is identified as the outlet port, the infusion port is not "connected to the housing such that they are in flow communication with the blood portion ... whereby blood may be diluted" as recited.

Applicants propose the amendments to claim 1 also overcome the rejections of claims 1-2, 4-8, and 11 under 35 USC §102. Claims 43, and 46 are canceled, so their rejection is moot. None of the references shows or teaches to provide two ports in communication with a same side of the filter media at the same end of the filter such that one may be used to dilute fluid injected

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or removed from the other. Thus, the above claims are proposed to be patentably distinct from the prior art.

Claim 3 is rejected over Antoni in view of US Patent No. 5,820,767. In view of the amendments to claim 1, the rejection of claim 3 is believed overcome for the reasons given above. That is, none of the references shows or teaches to provide two ports in communication with a same side of the filter media at the same end of the filter such that one may be used to dilute fluid injected or removed from the other.

Three new independent claims are added, namely claim 58, 63, and 66.

Claim 58 recites in relevant part: "said housing having a third port proximate said first port and opening into said chamber such that a fluid injected therethrough would mix within said chamber without passing through said filter membrane." None of the references discloses an extracorporeal filter with the recited limitations. In particular, US Patent No. 6,050,278 (Arnal) is not configured to mix with a chamber as recited. US Patent No. 5,820,767 (Kane) shows a device attachable to one port of a filter housing that has tubing port and a needle access but it is not configured as recited at least because it lacks "at least one fourth port in communication with said second interior volume portion" as recited in claim 58. US Patent No. 4,784,768 (Mathieu) is structurally similar to Antonio in that it has multiple ports at an end of the filter, but they are isolated from each other by the filter media and so cannot satisfy at least the first quoted limitation of claim 58. US Patent No. 5,916,647 (Weinstein) is the same in this respect to Mathieu. US Patent No. 4,975,247 (Badolato) relates to an oxygenator and not an extracorporeal filter as claimed. The Japanese patent does not relate to blood processing.

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Claim 64 recites at least "said blood outlet having a dilution fluid inlet with dilution fluid injected into said blood in said second of said head spaces" together with the limitations relating to how the head spaces are connected are not shown or taught in any of the references.

Claim 67 recites at least "a dilution fluid inlet in said outlet head space connected to receive replacement fluid from a source thereof" together with the limitations relating to how the head spaces are connected are not shown or taught in any of the references.

If the Examiner requires clarification of any issues raised in this response, the Examiner is invited to call the undersigned at (202) 778-1118.

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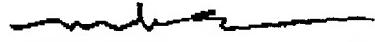
Respectfully submitted,
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